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MEMO ENDORSED

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ROBERT P. BARBATO and,
GINA M. BARBATO

PLAINTIFF,

Docket No. 22-cv-04233-KMK

vs.

BANK OF AMERICA N.A., AS SUCCESSOR TO
COUNTRYWIDE HOME LOANS, INC.,
COUNTRYWIDE FINANCIAL CORPORATION, and,
COUNTRYWIDE, COLLECTIVELY and THE REGISTERED
TRADEMARK “AMERICA’S WHOLESALE LENDER”,
COLLECTIVELY, NATIONSTAR MORTGAGE, LLC, dba, MR COOPER,
LAKEVIEW LOAN SERVICING, LLC.

DEFENDANTS.

Plaintiff, ROBERT P. BARBATO and, GINA M. Barbato by their undersigned counsel, LAW OFFICES OF DAVID M. SCHLACHTER, LLC, oppose the Order to Show Cause as follows:

I, David M. Schlachter, Esq., attorney for Plaintiffs, does state the facts as true under the Federal Rules of Civil Procedure, as follows:

1. Plaintiffs did file a summons to be issued.
2. First the ecf had to be corrected and then the summons had to be corrected.
3. A corrected summons has been sent for issuance by the Clerk.
4. Once it is filed and executed it with the Complaint will be served upon the Defendants.
5. There has been no prejudice to any party thus far.

Dated: June 21, 2022

David M. Schlachter

By: David M. Schlachter, Esq.
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This filing is unresponsive. In the Order to Show Cause dated June 3, 2022, the Court ordered Plaintiffs to show cause as to why this Action should not be dismissed for lack of personal jurisdiction. (Dkt. No. 4.) As the Court pointed out, the Complaint contains "very few allegations linking either Defendants or the conduct at issue to the State of New York, raising serious questions as to personal jurisdiction." (*Id.* at 1.) Plaintiffs are again directed to show cause, by no later than September 9, 2022, as to why this Action should not be dismissed for lack of personal jurisdiction. *See Sinoying Logistics Pte Ltd. v. Yi Da Xin Trading Corp.*, 619 F.3d 207, 214 (2d Cir. 2010) (affirming district court's sua sponte dismissal of case due to lack of personal jurisdiction where the defendant declined to appear). There will be no extensions.

August 26, 2022

Having heard nothing from Plaintiffs in response to the 8/26/22 order to show cause, the Court dismisses this Action without prejudice. The clerk is to close this case.

So ordered.
KMK
9/13/22